

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James Barry Douglas PALMER

Serial No. 07/753,907

Filed: September 3, 1991

For: MEDICAMENTS

:
:
:
: Group Art Unit: 1205
:
: Examiner: S. Rose
:
:
:

#9
JR
7/16/92
RECEIVED
92 JUL 16 AM 4:43
GROUP 120

RESPONSE

Hon. Comm. of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is in response to the Official Action dated March, 10, 1992, the period for response to which has been extended to expire on July 10, 1992, by the filing herewith of a petition for a one month extension of time and payment of the required fee.

The outstanding Official Action sets forth a provisional obviousness-type double patenting rejection of the claims as being unpatentable over the claims of copending U.S. Patent Application Serial No. 07/753,906.

Applicant submits herewith a terminal disclaimer under 37 CFR 1.321(b), along with the statutory fee of \$110. The terminal disclaimer was executed by the appropriate corporate official, whose corporate title is Attorney, and therefore the terminal disclaimer is in proper form for recordation. The Commissioner is authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 02-0200. A duplicate copy of this authorization is attached.

Applicant at this time wishes to direct the attention of the Examiner to the following information, which information is representative of a large body of prior art known to the applicant and which confirms the fact that salmeterol has a longer duration of activity than salbutamol. However, none of this body of prior art teaches combination therapy as claimed in the present application. The publications are listed on the attached form which corresponds to form PTO-1449. Applicant respectfully requests that the Examiner consider the two publications and return an initialled and dated copy of the attached form to confirm that the publications have been made officially of record.

Serial No. 07/753,907

In view of the present submission, the application is now believed to be in condition for allowance, and early notification of same is most respectfully requested.

Respectfully submitted,



Richard E. Fichter
Registration No. 26,382

BACON & THOMAS
625 Slaters Lane - 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500
REF:TJL:tl
PA753906.A2

July 7, 1992